WHY NOT GET A DIVORCE?

BY

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"WHY not get a divorce?" Such is the question that trips quite easily off the tongues of an increasing number of people in our country today when one of the partners in marriage tells the story of his or her domestic unhappiness. In spite of the growing number of divorces, the Catholic Church does not waver in her opposition to this severance of the conjugal bond, this legal disruption of a home. Why does the Church oppose divorce? Witnessing the spectacle of one out of every seven marriages contracted in the United States ending in the divorce courts, our separated brethren often wonder why the Church has never wavered in her historic stand against divorce. Their wonderment increases when they behold their own ministers officiate at the marriage of persons who have been married two and three times previously.

In order to present the fundamental grounds for the Church's unswerving opposition to divorce it is necessary first of all to point out that the Church regards the union of two Christians, that is two baptized people, as constituting not only a civil contract but also a sacrament instituted by Christ. This conception immediately removes the marriage of Christians from the exclusive jurisdiction of the civil authority and places it, at least in its religious aspect,

under that of Christ and of His Church. It belongs, therefore, to the religious authority to declare the conditions under which a sacrament may be validly received.

Matrimony—a Sacrament

One word then about the sacramental character of matrimony. In his letter to the Ephesians, St. Paul refers to marriage as "a great sacrament," declaring that he speaks "in Christ and in the Church." [1] St. Augustine, writing in the fourth century, reflects the universal belief of the infant Church, in his insistence upon its sacramental character. "It is certain," he writes, "that not fecundity only, the fruit of which consists of offspring, nor chastity only, whose bond is fidelity, but also that a Sacrament is recommended to believers in wedlock when the Apostle says, 'Husbands love your wives, even as Christ also loved the Church.' Of this Sacrament the substance undoubtedly is that the man and the woman who are joined together in wedlock, should remain inseparable as long as they live." [2]

Further confirmation of the universal belief of the Christian Church up to the time of the Reformation in the sacramental character of matrimony is found in the creed of the churches of the East, such as those of the Nestorians, Monophysites, Copts and Jacobites. Although separated from the Mother Church since the first five centuries, the rituals of these churches bear witness to their inclusion of matrimony among the seven sacraments. When the professors of Tubingen University in the sixteenth century sought to win the

[1] Ephesians v. 25-32. [2] *De Nupt. et Concup.*, i., 10.

Greek Church to the creed of the reformers, the Greek patriarch, Jeremias, indignantly scouted their suggestion that his church could ever be won to their doctrine of but two sacraments. Testifying to the unvarying belief of the Oriental Church in the seven sacraments, including matrimony, he terminated their overtures with a scornful refusal. Thus eloquently do the voices of Christian tradition testify to the sacramental character of matrimony. Like all the other sacraments, it too was instituted by Christ.

Let us now proceed to answer the question: Why does the Church forbid divorce? The answer is simple. *Because Christ forbade it.* As the institution founded by our divine Saviour and commanded to teach His doctrines, the Church could sanction divorce only by being faithless to the command of Christ. To distinguish divorce from mere legal separation, we shall use the term in this discussion in the sense in which it is commonly understood by our non-Catholic friends, as a severance of the marriage bond with the consequent freedom of marrying again.

Teaching of Christ

That our Lord forbade divorce is explicitly recorded by three Evangelists and is corroborated by St. Paul. When the Pharisees asked Christ: "Is it lawful for a man to put away his wife for every cause?" He answered them: "Have you not read, that He who made man from the beginning, made them male and female? For this cause shall a man leave father and mother, and shall cleave to his wife, and they shall be two in one flesh. Therefore now they are not two, but one flesh. What therefore God hath joined to-

gether, let no man put asunder." When they persisted: "Why then did Moses command to give a bill of divorce, and to put away?" Christ replied: "Because Moses by reason of the hardness of your heart permitted you to put away your wives: but from the beginning it was not so. And I say to you, that whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and he that shall marry her that is put away, committeth adultery." [3]

No Exception

The inference has been drawn by some of our dear non-Catholic friends that when a wife has been guilty of fornication or adultery, her husband may not only put her away but may marry another. Such an inference, however, is unfounded. For Christ declares without any limitation: "He that shall marry her that is put away, committeth adultery." This can be true only on the supposition that the previous marriage remained intact, even though the husband has separated from his wife because of her infidelity. Hence, the meaning of Christ's answer to the Pharisees is: In case of infidelity to her marriage vows, a husband may separate from his wife, but if he contracts a new marriage he himself becomes an adulterer.

That such is the correct interpretation of our Saviour's teaching is confirmed by St. Mark and St. Luke. St. Mark records it thus: "When His disciples asked Him concerning the same thing, He said to them: Whosoever shall put away his wife and marry another, committeth adultery against her. And if the

[3] Matt. xix. 4-9.

wife shall put away her husband, and be married to another, she committeth adultery." [4] The statement of St. Luke is similarly comprehensive. Addressing the Pharisees, Christ said: "Every one that putteth away his wife, and marrieth another, committeth adultery." [5]

From all these texts which refer directly to the remarriage of separated parties, it is evident that Christ makes no exception whatsoever. In the clearest and most absolute terms He declares that though separation is allowed for the grave reason mentioned, remarriage during the lifetime of the other party is never permitted, but constitutes the sin of adultery. When Christ made the solemn and impressive proclamation, "What therefore God hath joined together, let no man put asunder," He made the marriage bond indissoluble henceforth by any human power.

"Not I, But the Lord"

To this teaching of Christ concerning the indissolubility of the matrimonial bond, St. Paul bears witness. Writing to the Corinthians, he admonishes them that this doctrine is not of his invention but is the teaching of Christ Himself. "To them that are married," he writes, *"not I but the Lord commandeth,* that the wife depart not from her husband. And if she depart, that she remain unmarried, or be reconciled to her husband." [6]

These words of the great Apostle of the Gentiles should be placed conspicuously before the eyes of the American people today. For it must be admitted that

[4] Mark x. 10-12. [5] Luke xvi. 18. [6] 1 Cor. vii. 10, 11.

great numbers of people, even many calling themselves Christians, no longer regard marriage as indissoluble save by death. They look upon it in much the same light as any other civil contract which is voidable at the option of the contracting parties. While it is easy to understand how such a view could be held by non-Christians, it is difficult to understand how those who profess to adhere to the teachings of Christ can at the same time hold a view explicitly condemned by the Founder of the Christian religion.

Do they not need to have repeated to them today the warning words which St. Paul addressed to the Christian colony at Corinth nineteen centuries ago, "Not *I* but the *Lord* commandeth"? The doctrine of the absolute indissolubility of the bond of Christian marriage is not the invention of the Apostles, of the councils or pontiffs of the Church, or of any man, but the plain unmistakable teaching of Jesus Christ Himself. Because the Catholic Church believes in Christ and seeks to honor and reverence Him, she holds today, as she has held throughout the centuries, to His teaching concerning the sanctity and the permanence of Christian marriage. To do otherwise would be to commit treason against her divine Founder.

Purpose of Law

What about the social benefits and the relief from domestic unhappiness alleged to result from divorce? To persons who believe in the divinity of the Founder of the Christian faith, it must be apparent that no teaching of Christ could be detrimental to the welfare of society or to the enduring happiness of mankind. Like all the other laws of Christ, this one concerning

the sanctity and the indissolubility of marriage has for its end the welfare of human society *as a whole*.

There are probably few, if any, laws ever framed, no matter how wholesome and necessary for the general welfare, which have not pinched an individual here and there. It need not be denied that particular cases can be cited where the innocent party in a marriage that turns out badly is called upon to make a great and even a heroic sacrifice. Let it even be admitted that a complete severance of the marriage bond with the consequent privilege of remarrying would be conducive to the happiness of an individual who is the innocent victim of such a marriage. Does this admission justify divorce? Not at all.

In her solicitude for the happiness of all her children, the Church permits complete separation where circumstances require it. But if an exception were once allowed to Christ's law against divorce, it would be but a short time before the law would be so riddled by exceptions as to seriously cripple the law and thus to impair the attainment of its purpose, the welfare of society as a whole. This is particularly true of a law which seeks to guide into beneficent social channels the tumultuous passions of human nature.

Fatal Entering Wedge

If any one doubts the truth of the above observation let him look at the experience of our Protestant brethren. Within the Christian fold, divorce was practically unknown until the Protestant Reformation. Substituting their own opinions for the clear teaching of Christ as transmitted by the three Evangelists, by

St. Paul and by the unbroken tradition of fifteen centuries, the founders of the principal Protestant denominations began by permitting divorce on the sole ground of adultery. It was the fatal entering wedge that was destined to pry apart millions of unions which Christ had forbade any man to put asunder. Under the pressure of man's unbridled lust, the grounds for divorce began to multiply, until today they are so numerous as to permit people to sever the sacred tie for the slightest and silliest reasons.

Thus on the very day on which I write these lines, the newspapers of the country carry a story sent out by the Associated Press to this effect: In a city in California a woman has filed suit for divorce because her husband "diagrammed the wing formations of the football team he is coaching on the fluffy biscuits I made for his breakfast." This, she alleged, constituted "mental cruelty." Hence, her petition for divorce. If the court follows the precedent in many States of granting divorces for the flimsiest and silliest reasons, the sensitive spouse has received her divorce before these lines will have reached the printer's ink. To such a degradation has sunk the sanctity of the most sacred vows ever plighted by husband and wife—the vows of deathless love and loyalty.

Ministers in most of the Protestant denominations now unite persons, divorced three, four, or more times, in new marriages with no apparent recollection of the stern warning of the divine Founder of Christianity: "What therefore God hath joined together, let no man put asunder." Thus is the teaching of Christ concerning the holiness and the permanence of marriage torn into shreds and tatters. The thousand grounds

on which divorce is granted have practically annihilated in the churches of our separated brethren the law of Christ concerning the sanctity and the indissolubility of the marriage bond.

Mistake of Reformers

The experience of the Protestant churches in the matter offers, therefore, abundant testimony to the folly of making exceptions to the universal validity of the laws of Christ—especially when they are seeking to hold in leash the passions of men. Inserting the opening wedge of a single exception to Christ's law on marriage is like inserting a slender blade through the dykes restraining the sea from flooding the lowlands of Holland. Under the battering of the tumultuous seas, that slight crevice will expand until soon there will be pouring through the opening a roaring avalanche of ocean that will flood the land and spread death and destruction in its wake. The Church stands as a sentinel upon the dyke of the sacrament of matrimony, instituted by Christ to promote the happiness and welfare of the race, and to hold in check the passions which, if unleashed, would spread ruin and disaster everywhere.

In this connection it should be pointed out that Martin Luther, the father of the Protestant Reformation, did most to destroy the Christian faith of the people in the unity and the permanence of marriage. He began by declaring that "marriage is a mere worldly thing." He then encouraged divorces by announcing from his pulpit that after the example of the Assyrian king, every husband who was not satisfied with his spouse could substitute Esther for Vashti, and put the

servant in place of the mistress.[7] Going even further, he sanctioned a plurality of wives. In a letter to the Chancellor of the Duke of Saxe-Weimar, he wrote: "The Scriptures prevent me from forbidding any one to take several wives at the same time. It is a commendable practice but I would not be the first to introduce it among Christians."

Nor did he permit his teaching to remain mere theory. He reduced it to practice. Together with his fellow reformers, Melancthon, Bucer, Lenning, Corvinus and Wintfert, he authorized Philip, the Landgrave of Hesse, to take a second wife when he was still living with the first by whom he had already eight children and from whom he had no intention of separating. Here one sees at work, at the very birth of Protestantism, those forces which have been ceaselessly operative within her numerous divisions, and which under the stress of human passions have so twisted and distorted the great ideal proclaimed by Christ—the union of husband and wife in a marriage indissoluble by any human power.

A Candid Avowal

That the practice of tearing Christian homes asunder through the institution of divorce is directly traceable to the teachings and the example of the reformers is now frankly acknowledged by our separated brethren. Thus the Protestant Bishop of Maine some years ago made the following candid avowal: "Laxity of opinion and teaching on the sacredness of the marriage bond and on the question of divorce *originated among the Protestants* of Continental Europe in

[7] Sermon on Marriage, Wittenberg, 1522.

the sixteenth century. It soon began to appear in the legislation of Protestant States on that continent, and nearly at the same time to affect the laws of New England. From that time to the present it has proceeded from one degree to another in this country, until, especially in New England and in States most directly affected by New England opinions and usages, the Christian conception of the nature and obligations of the marriage bond finds scarcely any recognition in legislation or in the prevailing sentiment of the community." [8]

It should be added, however, that the example has been quickly followed by the Western States. Today the divorce courts of Reno, Nevada, have achieved notoriety throughout the nation for the speed and facility with which they tear asunder for trivial reasons the sacred bond of Christian marriage.

Growth of Divorce

Let us now glance at the havoc wrought in the domestic life of modern society by the wedge action of divorce. Three examples will suffice. In France divorce, which was a comparatively recent innovation, in 1910 disrupted over 7,000 homes. By 1913 the number had mounted to more than 15,000—an increase of over 100 per cent. The number is still increasing. In Germany in 1900 there were 81 divorces for each 100,000 existing marriages. But by 1914 this number had climbed to 143 for each 100,000 marriages —an increase of over 75 per cent.

In our country the rate of increase is even more

[8] *The Calling of a Christian Woman*, by Rev. Morgan Dix.

alarming. From 1870 to 1900 the number of divorces per 100,000 married population jumped from 81 to 200—an increase of approximately 150 per cent. Thirty-five years ago about one out of every twelve marriages celebrated in the United States terminated in divorce. Today about one in every seven comes to a similar tragic end. Into the very marrow of modern civilization the wedge is penetrating deeper and deeper.

Entirely aside from religious considerations, many careful observers of the growing laxity in regard to the marriage vows are pointing to the unhappy consequences for the individual and for society. Thus H. L. Mencken condemns the agitation for companionate marriage, not on grounds of religion or morality, but because it violates the elementary principles of human psychology. "The trouble with the companionate marriage scheme," he writes, "is that it destroys security and trust. Neither party can ever be quite sure of the other, and hence neither can give the other full confidence. A normal man does not marry a woman thinking of her as a possible enemy; he marries her thinking of her as a perpetual friend. If there be any chance of happiness in the companionate scheme, then all that has been taught about human psychology is false."

In a recent address at the University of Illinois, Rabbi Stephen S. Wise declared anent the movement to change the laws of marriage to make divorce easier: "What is needed is not a change in the laws of marriage, as reformers are fond of picturing, but a change in the heart and in the morals of the individual who is unwilling to remain true to his conjugal vows, but who is willing to enthrone lust in their place."

Public Welfare—First

Every nation or society that wishes to survive must develop in its individual members a sense of social solidarity, and a willingness to sacrifice private interests for the public weal. In time of war the citizen is called upon to defend his country even at the risk of his life. The measure in which an individual is willing to subordinate his own selfish interests for the welfare of his family, his state, his nation, or humanity in general, is largely the measure of his unselfishness and nobility of character.

When a marriage turns out badly, and the innocent victim feels tempted to have recourse to divorce and remarriage, Christ calls upon such a one to be willing to sacrifice his own selfish interests for the larger welfare of society as a whole. The divine Master would have him remember that if an exception were made in his case, there could be no drawing of the line, and that in consequence the unity and permanence of marriage would be in a large measure destroyed. An individual should recognize that in such circumstances he is called upon to play the rôle of a self-sacrificing hero and to place the public weal above his private interests. Such a one is no less worthy of the gratitude of his fellow countrymen than is the soldier who defends his country from the attack of the enemy. Not less worthy of the reward of Almighty God.

Did not Christ and His Blessed Mother set us the example of conforming to the law, even though in their cases there was no real need for the performance of the required actions. Did not Christ as a little Babe undergo the rite of circumcision as demanded by the Mosaic law, even though there was no real need for

such purification in His case? Did not Mary present herself at the Temple forty days after the birth of Jesus and submit to the rite of purification as required by the Judaic law, even though her virginity was not impaired by motherhood? Thus did Christ and His Blessed Mother set an example to the Christians of all ages by obeying a law instead of claiming, as well they might, that exception be made in their cases.

An Illustration

As this point is crucial, and, in the writer's judgment, is the only logical grounds on which one can appeal to the innocent victim of an unfortunate marriage to conform to a law for the common weal, even though it pinches him individually, let us present one final illustration. The law of the secrecy of the confessional forbids the confessor to divulge any sin, even the slightest, mentioned by the penitent in confession. Yet individual instances can be cited where the revelation of such information would seem to be warranted because of unusual circumstances.

Take the case of a prisoner charged with a serious crime. A priest through his office of confessor knows that another individual has accused himself of that very crime. Might he not say to himself: "By divulging a secret of the confessional to the civil authorities I can free a man unjustly accused of a serious crime, and bring to punishment the real culprit. By so doing I would promote the cause of justice. Therefore, in these unusual circumstances the law of the secrecy of the confessional does not bind me." No, indeed. He would be utterly wrong in so concluding.

While it can be frankly admitted that, in that particular case, justice would be promoted and a single individual would be better off, yet the harm that would be done by undermining the confidence of people in the inviolable seal of the confessional would affect millions. It would in the long run wreak such damage to the public weal and the welfare of humanity in general as to outweigh a million times the benefit accruing to a solitary individual by making his case an exception to the law. The case is precisely the same in regard to marriage. If the sworn vows of deathless fidelity plighted by bride and groom are to instill abiding trust, their efficacy must not be crippled by the constituting of exceptions which would undermine the confidence of mankind in their universal validity and as a consequence in the sacredness and permanence of the marriage bond itself.

A Fair Conclusion

In the light of the above mentioned facts, the following conclusion seems fully warranted: In the Church's unswerving stand for the sanctity and indissolubility of marriage, our American democracy has its strongest bulwark and support. By preserving the home intact, the Church is not only safeguarding the foundations of orderly government but she is also promoting the highest type of family life. She is protecting the interests of husband, wife and children—and their happiness as well. In teaching her children to subordinate their private interests to the public weal, she is rendering an invaluable contribution to the development of the noblest type of American citizenship. Her uncompromising stand in defense of the permanent

unity of the family fireside merits the praise of all our citizens who place the welfare of their country and of society as a whole above the satisfaction of their private whims. In the ears of those who would ask the Church to lower her lofty standards in regard to Christian marriage, and would riddle her law of indissolubility with multitudinous exceptions, she would whisper again the words of the great Apostle, St. Paul: "Not I but the Lord commandeth."

STUDY CLUB QUESTIONS

1. Why does the Church oppose divorce?
2. What is the teaching of Christ concerning the indissolubility of Christian marriage?
3. How does the stand of the Church best conserve the interests of husband, wife and children?
4. What was the great mistake made by the so-called reformers in regard to marriage?
5. What candid avowal did the Protestant Bishop of Maine make on the subject of divorce?
6. What is the rate at which divorces have increased in our country?
7. How is the public welfare best promoted by a permanent marriage? Illustrate.
8. What is the best safeguard for the American home?

Nihil Obstat:

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